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# THE ORISSA TENANTS RELIEF ACT, 1955

## (ACT V OF 1955)

(with Select committee Report
And
Statement of Objects and Reasons)

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# REPORT OF

## The Select Committee on the Orissa Tenants Relief Bill 1955

We, the undersigned members of the Select Committee on the Orissa Tenants Relief Bill, 1955, have the honour to submit this our Report together with a copy of the Bill, as amended by us, herewith annexed.

The aforesaid Bill was referred to the Select Committee on the 11th March 1955. We met on the 14th, 16th, 17th, 18th, 19th and 21st March 1955.

We considered the Bill, clause by clause.

In this Report, references to clauses are references to original clauses of the Bill.

We have made several changes. The reasons for the changes made in the Bill, apart from those purely of drafting and consequential nature, are as follows :—

*Clause 1*—Sub-clause (3) has been amended to avoid any misinterpretation that might arise in view of the provisions contained in sub-clause (*a*) of Clause 3.

*Sub-clause (4)*—The date of expiry of the Act has been changed and the proviso has been omitted because it was decided that Legislature should fix the period for which the Act will be effective instead of giving the State Government the power to extend.

*Clause 2*—In this clause definition of the following new terms have been added for the reasons stated against each.

*Personal cultivation*—In view of the right given to landlords in clause 3-A, strict definition is necessary.

*Dry land and Wet land*—As a limit to the maximum rent is proposed in clause 3, it is necessary to define the classification of land clearly.

*Standard acre*—This definition is necessary to facilitate calculation to the extent of various types of land the landlord can resume under clause 3-A.

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* O. Exty. No. 47—D/22-3-55 ; Notfn. No. 4028—L. A.—D/22-3-55.

*Sub-clause (1) (f)*—The word 'law' has been inserted after the word "system" and the word 'or' has been omitted, to make the provision exhaustive.

*Clause 3—Sub-clause (1)*—The produce that can be taken by the landlord has been altered both as regards the share and the maximum. Such a change is necessary in view of the considered opinion of the majority of the members of the Select Committee.

*Sub-clause(2)*—It has been considered necessary to differentiate between the tenant with a permanant and heritable right in the land and other tenants in the fixation of the maxima of the rent payble on the same analogy as the provision in section 6 of the Orissa Tenants, Protection Act. Accordingly, this new sub-clause has been inserted.

*New clause 3-A*—A new clause 3-A has been inserted because the Select Committee considered it necessary to provide suitable provisions in this Act itself both with a view to giving and indication of the future pattern of the Land Reform Bill and also to allow for cultivation of atleast a basic holding of such persons as desired to do personal cultivation. On this principle a basic holding of the value of 7 acres of irrigated or wet lands is considered reasonable. Two acres of dry lands is considered equivalent to 1 acre of irrigated or wet land. Suitable provision has been introduced in this clause.

The problem of the large mass of agriculturists displaced from Sambalpur and Rourkela by the land acquisition for the Hirakud Dam Project and the Hindusthan Steel Factory has thrown a responsibility on the State to provide suitable rehabilitation. As these people are forcibly removed from their agricultural occupation it is considered necessary to give them a preference in the matter of cultivation of land which they may purchase for their rehabilitation. The Select Committee considered that their priority is greater than that of the Bhagchasis on the lands. Suitable provision has been made in this clause.

*Clause 4*—It has been considered necessary to make a suitable provision as to the person to whom the tenant shall pay rent and the amount of rent he shall pay where the right, title and interest is changed as explained in this clause.

*Clause 5*—It has been considered necessary that there should be a suitable provision for depositing rent with a prescribed authority to prevent harassment by landlords by not receiving rent in time.

*Clause 8*—In sub-clause (1) additional provision has been made for decision of disputes that may arise under clause 3.

Sub-clause (6) has been amended to be in conformity with clause 3-A.

Sub-clause (9) has been omitted as it was considered undesirable to encourage the system of Receivership as it has been served no useful purpose.

*Clause 13*—Instead of providing a revision to the Board of Revenue a new provision has been made for a revision to a superior revenue authority.

*Clause 16*—Sub-clause (*a*) has been amended to make the provisions more clear.

Sub-clause (*d*) has been changed to make the intention more clear.

A new sub-clause (*e*) has been added as it is considered necessary to give protection to Grama Panchayats in the interest of improvement of agricultural methods.

We have given our anxious thoughts and best consideration for examining the Bill and recommend that the Bill, as recommended by us, be passed.

* NILAKANTHA DAS
SURENDRANATH PATNAIK
* SHRADDHAKAR SUPAKAR
* V. SITARAMAYYA
* NARAYAN CHANDRA PATI
ANIRUDHA MISRA
* B. NAYAK
* PABITRAMOHAN PRADHAN
CHAKRADHAR BEHERA
* ଗୋବିନ୍ଦ ପ୍ରଧାନ
* S. N. BHANJ DEO
NABAKRUSHNA CHAUDHURI
SADASIBA TRIPATHY

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★ Subject to the Note of Dissent

I

## Note of dissent by Shri Nilakantha Das

It is gratifying to note that under the circumstances the Select committee has tried its best to make the Bill as acceptable as possible in details except for a few items, as for instance, the provision of personal cultivation made compulsory even for people like helpless widows, minors and the like.

But the basic idea underlying the Bill is wrong as it is ill-conceived and very little relevant statistical information was available or made available for its proper consideration or really democratic findings. Analogies from other lands and other States casually cited during the discussion are not of much value inasmuch as they simply tend to create prejudice in the name of right decision.

Some unenlightened and ill-advised records of the last Revision and Provincial Settlement under the then Bengal Tenancy Act, leading to misconceptions confirmed in the Orissa Tenancy Act of 1913 and such other blunders and anomalies of the irresponsible British Administration somehow gave rise to the naive and uncritical conception that the Bhagchasi is ultimately a tenant. But this he is not in our system of land tenure. Bhagchasi's use and possession of land is purely permissive and for this reason to decide that he has permanent right of occupation in land is utterly inequitable, if not absurd and arbitrary.

In any system of private proprietorship in land Bhagchasi is an inevitable element. He renders Agricultural service to the peasant proprietor on contracted payment which is a share of the produce. He is an agricultural labourer and nothing else but that.

Moreover to treat the Bhagchasi as a tenant is fraught with various avoidable complications including that of creating Intermediaries *ad infinitum* or paving the way for shady dealings in perpetuity. Already it has been responsible for a sure tendency towards paralysing our rural credit.

If need arises and equity demands the Bhagchasi may be given any share five-sixths or even more, but that should be his wages plus remuneration and not the yield of his proprietary right or any part thereof. The legislation to regulate his dues should be labour-legislation and not land legislation like the present Bill. 'Rent' in this context is a contribution to the State Revenue and scientifically it should ultimately be turned into tax and should, therefore, be treated as such. It is far away from sharing the produce as is done in case of Bhagchasi and his so-called landlord nor is it beyond the requirements of the State from your to year—the amount being democratically determined.

Besides this, whatever statistics are available, go to show that Bhagchasis are a dying agricultural class in Orissa and as a smooth, simple and understandable step towards scientific land reform and land redistribution even now he should unequivocally be treated not as a tenant as is propossd in this Bill,

but as a labourer. He will then live as a useful and prosperous element of our agricultural economy and our rural credit will be saved from ruination to make our coming land reform measures effective and successful. It must be borne in mind that Bhagchasi, as such, has no place in the land-redistribution which is meant for the poor and the landless ; the Bhagchasi is not necessarily poor nor landless.

For these among other reasons I consider this Bill neither equitable nor necessary in this form and with this import.

NILAKANTHA DAS

II

## Note of dissent by Shri Shraddhakar Supakar

The Orissa Tenats Relief Bill, as reported by the Select Committee, like the original Bill, creates more problem than it solves. One of the great handicaps, which the Committee had to suffer from, while considering the Bill in the Select Committee, was that there is no uniform tenancy law in the State. South Orissa, Sambalpur and the three coastal districts have separate tenancy laws and the ex-State areas have their own laws. Customs and law regarding sub-letting land to tenants-at-will are different in different areas. Due to this, a man from one part of the State may not be in a position to realise the difficulties of people in other parts of the State and in spite of the zeal to adjust properly and equitably the relationship between the landowner and his tenant, I was feeling like one of the six blind men, who went to see an elephant and formed their own opinions by the mere touch of the elephant. To evolve a uniform law to regulate the relation between the owner of the land and the tenant-at-will is, to my mind, a difficult job and is likely to create hardship in those areas where custom or law in this respect do not fit in with those of the areas envisaged in the proposed legislation.

For example, the original Orissa Tenants' Protection Act was not brought into force in the district of Sambalpur apparently for to principal reasons : (1) firstly because in Sambalpur, the rate of rent payable by the tenant-at-will to the landlord did not exceed one-third of the gross produce, whereas the Orissa Tenancy Protection Act sought to fix the share payable to the landlord at two-fifths of the gross produce and secondly (2) because the problem of absentee landlordism is not acute in that district.

The present act seeks to bring in restraint free contract between the owner and the tenant-at-will with a retrospective effect from the 1st July 1954. The system prevalent in the district of Sambalpur is that the tenant gives up possession after the agricultural season. In most cases, the tenants who cultivated the land in the agricultural season of 1954-55 have already given up possession by the beginning of 1955. The tenants may now be tempted to go upon the land thinking that the new Act gives them a right and this will promote unnecessary trouble and litigation. The date-line of eviction under Clause 3 of the Bill

should not have a retrospective effect, at least in the district of Sambalpur, where O. T. P. Act is not in force. As it is, the Bill will take unawares even bona fide agriculturists, who have let part of their lands.

Incidentally, it is necessary to discuss clause 3-A of the Bill. This purports to authorise the landlord to recover seven acres of land for his personal cultivation, provided certain conditions are fulfilled. But it is difficult to say, if any landlord will be in a position to fulfil the conditions. The Bill is likely to become a full-fledged Act by the 15th April 1955. It is difficult to imagine that the land-owners in distant mufasals will be in a position to get the prescribed forms by the 15th May 1955. In cases of even important and emergent laws, it takes months and even more than a year for the Government to frame rules. Prompt printing of forms is also difficult rate. It will be an unusual feat of promptness, if the interval between passing of the Bill and the framing of rules, the printing of forms and the availability thereof by the people affected is reduced to thirty days. If that feat is not possible to be achieved there is no alternative remedy.

Sub-clause (4) of Clause 3-A of the Bill purports to provide relief to the persons affected by the Hirakud Dam Project and Rourkela and other Places. Speaking of Hirakud Project, I know that persons of the area to be submerged in 1956 or subsequently have purchased land in other places and are cultivating their ancestral land in the submerged areas personally and letting out the land in the new areas on account of the difficulty of simultaneously carrying on cultivation at places far distant from one another. They are not to blame for not being able to look after cultivation in the new areas personally, because prudence requires them to acquire land sufficiently well ahead of the time of actual sub-mergence of their lands. It is also a fact that many such persons have lands in other places, which were purchased and owned long before the date of acquisition of the land, but because they have their houses in the submerged area, they have let out the land in the other areas. The relief provided to these unfortunate persons is hedged with such stringent restrictions that the safeguards are more or less illusory.

In the report of the Land Revenue and Land Tenure Committee, Orissa, it was suggested that with respect to prohibition of subletting, exceptions should be made in favour of widows, minors, idiots, lunatics, invalids, persons suffering from blindness, prisoners in Jail or persons in the Military, Naval or Air Services, religious endowments and trusts. The cases of land mortgage Banks and Co-operative Societies have also to be taken into consideration. But these matters have not been taken into consideration in the Bill. The original O. T. P. Act did not take these cases into consideration because it was probably then considered to be a temporary measure, pending comprehensive land legislation. The same inequity is being repeated in the present law, apparently on the ground that the present Bill also purports to be of a temporary duration only.

Regarding the rate of rent, there was serious controversy in the Select Committee and unfortunately decisions taken were reopened. There is still

difference of opinion among members of the Committee in this respect. I am strongly of the opinion that the provisos to Clause 3 (1) (*b*) of the Bill should be deleted. The formulation of an upper limit of kind equivalent to the rate of rent, is likely to create instead of solve problems of assessment of rent. If at all, this maximum must reasonably equate with the rates of rent prescribed in several cases, throughout the State, but as it is, it does not do so.

Regarding the rate of rent, I suggest that one-third of the principal crop should be standard rent. This is less than one-fourth of all crops in those areas, where more than one crop is usually grown. The tenants growing subsidiary crops should be allowed to appropriate the whole of such crop to his own benefit and this is likely to encourage him to grow subsidiary crops, as there is little incentive or opportunity in our State to grow subsidiary crops.

The extent of land that can be recovered by a landlord for his personal cultivation is fixed at seven standard acres. This has been done with an eye on the future legislation, when the ceiling of economic holding is to be fixed. The basis of fixing seven standard acres as economic holding is not scientific. Apart from the fact that the reduction of basic holding under the Orissa Tenants' Protection Act from 33 acres to 7 acres in the present legislation, will reduce the agriculturist to a hand-to-mouth existence, without the minimum amenities (like education of children) expected in our society, it will give rise to inequity in different areas of the State, where the productivity of the land is not uniform, throughout the State. The problem of economic holding is to be judged from the standard of an economic unit of families. In Western countries, where adult children go out of the family, the size of a family is fairly uniform. In our country, where a score or more of human beings with several earning members live under one roof under the joint Hindu family system, fixation of a ceiling has to take into account the problem of the joint Hindu family. In an agricultural economy, co-operative farming and joint Hindu family system are two of the alternatives for economic production and development of agriculture. Unfortunately, we have not developed co-operative farming on the Western model. Therefore, if we decide to fix a very low ceiling of economic holding, it is found to have serious repercussion on our social life and specially on the joint family system. The scaling down of a economic holding from 33 acres to 7 acres is a sign of remarkable progress from the idealistic point of view, but as we are legislators, it is our duty not to be blind to practical considerations and our social surroundings. The consequences of fixing a too low ceiling, without corresponding restrictive control in business spheres and public service pay, is bound to disorganise agricultural economy of a preponderatingly agricultural State like ours. Political party enthusiasm should not be blind to these possibilities.

Though a member of the Select Committee, I am not happy over the original Bill or the decision of the Select committee, would have been happy if the Orissa Tenants' Protection Act with slight modification had been allowed to continue for another year pending final legislation on land reform.

SHRADDHAKAR SUPAKAR

III

## Note of dissent by Shri V. Sitaramayya

In all land reform legislation, it is necessary that conditions for good cultivation and against misuse of land and sub-letting must be insisted on the tenant. This was done under the old Orissa Tenants' Protection Act and other tenancy Acts. But in the present Bill there are no such conditions imposed on the tenant. I feel that such conditions must be imposed, because there will be a tenancy on the part of the tenant not to take much interest in the land specially on the part of those living in or near urban areas (where they have other avocations) as by increasing their share they can recover their expenses even without the necessary effort which they were putting in forth previously. A mere increase in the share of the tenant will not increase production unless he puts forth necessary efforts in manuring the lands and ploughing the same and using good seeds. This is all the more necessary as the landlord will not invest any money or take any interest in cultivation. In this connection I have to say that usual credit facilities which he was having from the landlords, he will be deprived of without an opportunity of getting credit from any other sources, because neither a money-lender nor co-operative bank can extend any facilities to him as he has no tangible security to offer.

Unless the general rural credit system is reorganised on a new principle of the ability of the tenant to produce crop and on the crop itself, all land reforms will only lead to harassment of the tenant and will not be worth the time and money spent for devising the same. Till now land is the centre of all credit facilities in rural areas. It is in fact the bank for an agriculturist through which he can get money either by sale, mortgage or other form of alienation in time of need, but now the value of this security is completely shaken and it is ceasing to be an instrument for credit and till now no alternative credit facilities have been provided for any attempts have been made to provide the same. I am afraid any reform which does not take into consideration the economic repercussion and which does not provide for meeting those repercussions will only remain as reform on paper and will not be ot any substantial value nor will it lead to any material progress of the country. While the Government is anxious to devalue the land, it does not show any anxiety nor has it any definite plans to substitute other credit facilities in place of land. The two must go simultaneously so that the reforms can achieve their objects. Otherwise the remedy will be worse than disease. I feel it my sincere duty to draw the attention of the Government to this aspect of this matter. I feel that lands held by co-operative society or got sold by a co-operative society for recovery of its dues from the landlord should be exempted from the operation of this Act. Because in a co-operative society including land mortgage Bank amounts were generally borrowed either from deposit holders or from financing banks or by raising debentures at rates raising from 3 per cent to 7 per cent and then lent to land owners at rates raising from 7½ per cent to 9 per cent and

when such lands are sold they will not fetch proper price as the tenants cannot be evicted and they give only one-fourth share which will not fetch interest on the amount borrowed by the landlords, while it has to pay 3 per cent to 7 per cent interests to deposit holder or financing Bank. If the Bill applies to the lands owned or sold by co-operative society for the recovery of its dues, many of the societies and banks will sustain serious loss and will not be in a position to pay the interest or the principal amount to the financing Bank or to the deposit holders, in cases where loans were already given to non-cultivating land-owners. This will have a serious repercussion on the co-operative movement itself. When it is the definite policy of the Government to spread the co-operative movement and to provide all credit facilities through the same, it will be a tragedy if the existing Banks and societies are crippled by any party and ill-conceived legislation.

I brought to the notice of the Committee that all land-owners who had more than 33 acres of land in 1947 and who have no lands under personal cultivation must be given an opportunity to get some lands under personal cultivation at least up to the limit permitted to others. They have been prohibited from evicting the tenants even for personal cultivation even up to one acre of land though they may own large extents. Lawyers, doctors, business men and Government servants mostly come in this category. Even if they desire to take to cultivation or gardening as an income on modern and scientific methods they can not do so under the law. Even if they want to utilise their intelligence and capital for improving a small portion of their lands and starting model farms and gardens for other ryots to follow they are not given any opportunity. When the matter was discussed by the Committee it was stated by the majority that their case will be considered when comprehensive legislation on land reforms is taken up. I do not see any fairness or justification in this reasoning. When it is started by the Planning Commission and all leaders of the country that education of the country must be increased by improving methods of cultivation, it is really strange that persons having large extents of land should be prohibited by law from taking up limited extents of land for cultivating the same on modern methods. To ask them to wait for indefinite time only snacks a spirit of unfairness to a class of persons whose only sin is their intelligence, education and anxiety to experiment modern methods of agriculture on their own lands. To my knowledge no State has permitted such total ban for bringing lands under personal cultivation to any class of persons. In any socialistic State people of intelligence, education and capacity to invest capital for improving production must be given same opportunities for taking recourse to agriculture as a professson, irrespective of the fact whether the extents of land are small or big, on a particular date. In China also this was being done. The country wants socialism which increases production and material wealth of the country and not socialism which does not make provision for supplying necessary capital for improving production but only socialism in name.

V. SITARAMAYYA

IV

## Note of dissent by Shri Narayan Chandra Pati

In view of the costly process of going to the court and the ineffectiveness of the Oriss Tenants' Protection Act, 1948, as experienced for the last seven years, the opportunity for eviction provided in the Orissa Tenants Relief Bill, 1955 affords much scope for indiscriminate eviction and defeats the very purpose of the Bill.

Provision for summary procedure for decision of cases at the spot would definitely discourage landlords to avoid the provisions of the Bill and to that extent there is nothing in the contents of the Bill.

NARAYAN CHANDRA PATI

V

## Note of dissent by Shri B. Nayak

I feel that the provisions of the Bill as reported by the Select Committee do not aim at solving the real problem in the State, namely eviction of tenants from their lands by persons owning large extents of lands. The real problem is mostly of eviction and not about the share of the crop which the tenants are now paying i. e., 2/5th.

Most of the tenants feel that their condition will be better if they are assured of their right to cultivate, no matter whether their share is a little less or more.

In my view they would have felt satisfied if they were assured of their right to cultivate even if their share they pay to the landlord is raised to one-third of paddy crop only.

But evictions by small landlords owning less than ten to fifteen acres may be permitted for bringing land for personal cultivation.

I am not in favour of allowing a share in all crops to the landlord. This takes away the initiative for the tenants to raise various kinds of crops on the lands they cultivate.

In many places under the existing custom and usage the landlords are not entitled to take share in subsidiary crops. I feel that allowing a share in subsidiary crops even where there is no previous custom or usage is unfair to the tenants.

I therefore feel that payment of share in subsidiary crops must be subject to the custom or usage prevailing in the locality. To create initiative in the tenants it is necessary that he should have absolute enjoyment of all crops other than the main crop, on which he may give even one-third share.

By this, while the tenant will not be able to save much from the paddy crops after meeting the expenses, he will reap the full profits of all other crops raised by him and this may induce him to feel that by taking to intensive cultiva-

tion he can improve his own position without any exaction from the landlord. But this psychological feeling may not be present if he has to pay share in all the crops. Therefore I feel that it would not be unfair if the landlord's right is limited only to one-third of the paddy crop or main crop with the upper limit of 6 maunds per acre for irrigated lands and four and half maunds for non-irrigated lands and half of the above rates for occupancy ryots.

With regards to the crops mentioned in the schedules I feel that a rent of 8 maunds of paddy for potato crops is too high as there is much risk in the crop and also cultivation reqnires much investment and I think it is desirable to remove it from the schedule.

B. NAYAK

VI

## Note of dissent by Sri Pabitramohan Pradhan

(A)

The modified and amended provisions of the Bill will be acceptable to me provided that the land-owner shall have the right of bringing under his personal cultivation as much of his own lands from his tenant or tenants as will enable him towards reaching the ceiling which will be provided in the proposed comprehensive Land Reform Bill. The reasons for this are obvious. Not to of the legality and constitutionality of the rights of the owner, but for the sake of justice, equity, propriety and fairness the land-owner who invested all his hard-earned money on his lands should first be given a warning in the form of an opportunity of a period of grace to prepare himself either to bring his lands under his own cultivation or sell his lands at a suitable price. Failing either to personally cultivate his own lands, or to sell the Lands at suitable price, he should offer the lands to the Government who ought to buy the same at a *reasonable market rate* and settle the same lands with the Bhagchasis at a subsidised rate. If in the proposed comprehensive Land Reform Bill it should and must be provided that Land-owner having personal cultivation will be entitled to have lands under their personal cultivation up to the Ceiling-Limit, say extent of lands giving a net annual income of Rs. 5,000, the Land-owner who has invested all his hard-earned money on the Lands employed on 'Bhagchas' or 'Sanja' etc., due to conventions and customs for which he (the Land-owner) is not responsible, should also have lands up to the Celling-Limit. The present piece of proposed legislation being a surprise attack on Land-owners employing lands on 'Bhagchas' *should and must* provide for restoring their (Land-owners) lands up to the Ceiling-Extent, if such owners have lands to that extent employed on 'Bhagchas' or 'Sanja' etc. Such provisions not being incorporated in the body of the Bill, the Act (if and when the Bill is passed) becomes most arbitrary, unreasonable uneconomic and unsocial by depriving thousands of families of their lawful and rightful source of income without providing and guaranteeing alternate

employment either for supplementing or compensating the thus deprived source of income.

(B)

I fail to accept the amended suggestions regarding the rate of the socalled rent payable by the tenant to the owner in view of the fact—

(1) that they are not based on any sound principle, and

(2) that they do not meet the barest minimum yearly expenses which the owner is to incur in regard to—

(*a*) payment of interest on money invested on the lands,

(*b*) payment of rents to Government,

(*c*) payment of cesses and other dues to Government and other Local bodies,

(*d*) payment of customary and obligatory dues to village community and 'Deshkoth' work,

(*e*) maintenance of the Lands i. e., in case of errosion and silt and sand deposits, and

(*f*) protection of lands when involved in litigancy.

The socalled rate of rent if fixed at 1/3rd for the owner and 2/3rd for the tenant all the troubles and misgivings that have arises due to 1948 Act and that may arise if the persent Bill is passed will undoubtedly disappear only because the owner will never try to evict his tenant who will again in reciprocity give his land-lord his (land-lord's) legal share and appropriate the rest to his own interest.

PABITRAMOHAN PRADHAN

VII

## Note of dissent by Shri Gobind Pradhan

ଭାଗଚାଷୀ ସାହାଯ୍ୟ ବିଲ୍‌ର ଆଲୋଚନା ପରେ ସିଲେକ୍ଟ କମିଟି ବହୁମତରେ ଯେଉଁ ରିପୋର୍ଟ ପ୍ରସ୍ତୁତ କରିଛନ୍ତି ତାହା ସହିତ ମୁଁ ଏକମତ ହୋଇ ପାରୁନାହିଁ । ମୂଳ ବିଲ୍‌ର କେତେକ ଅତି ଗୁରୁତ୍ୱପୂର୍ଣ୍ଣ ଅଂଶ ଏ ରିପୋର୍ଟଦ୍ୱାରା ମୌଳିକଭାବେ ପରିବର୍ତ୍ତିତ ହୋଇଯାଇଛି ।

ମୂଳ ବିଲ୍ ସହିତ ମଧ୍ୟ ମୁଁ ଏକମତ ନ ଥିଲି ଏବଂ ସେଥିରେ କେତେକ ଅତି ପ୍ରୟୋଜନୀୟ ସଂଶୋଧନ ଦେଇଥିଲି । ଯେଉଁ ପାରିପାର୍ଶ୍ୱିକ ଅବସ୍ଥା ଭିତରେ ଏ ବିଲ୍ ଆସେମ୍ବ୍ଲିକୁ ଆସିଲା, ୧୯୪୮ ମସିହା ଚାଷୀ ସଂରକ୍ଷଣ ଆଇନର ଯେଉଁ ଦଶା କାର୍ଯ୍ୟକ୍ଷେତ୍ରରେ ହୋଇଥିଲା ଏବଂ ସର୍ବୋପରି ଏ ବିଲ୍‌ର ଆଲୋଚନା ପ୍ରସଙ୍ଗରେ ଆସେମ୍ବ୍ଲିରେ ଯେଉଁସବୁ ମତ ବ୍ୟକ୍ତ କଲେ ସେସବୁ କଥାକୁ ବିଚାର କଲାବେଳେ ବିଲ୍‌ରେ କେତେକ ଗୁରୁତର ପରିବର୍ତ୍ତନ ଅତି ଆବଶ୍ୟକ ବୋଲି ମୁଁ ମନେ କରୁଛି ।

ଏ ବିଲ୍ ଏପରି ସମୟରେ ଆମ ଆଗକୁ ଆସିଛି, ଯେତେବେଳେ ଗୋଟିଏ ପୂର୍ଣ୍ଣାଙ୍ଗ ଭୂସଂସ୍କାର ବିଲ୍ ଆମ ଆଖିରେ ନାହିଁ । ଭୂସଂସ୍କାର ପ୍ରବର୍ତ୍ତନରେ ଶାସନ ବିଧାନର

କେତେକ ବ୍ୟବସ୍ଥା ଏକମାତ୍ର ବାଧା ଅଥବା ପ୍ରଧାନ ବାଧା ହୋଇ ଠିଆ ହୋଇଛି ବୋଲି କହିବା ଭୁଲ । ଭୂସଂସ୍କାର ଅତି ଜରୁରୀ ହେଲାଣି ବୋଲି ସମସ୍ତେ ସ୍ୱୀକାର କରୁ-ଥିଲେ ସୁଦ୍ଧା ଭୂସଂସ୍କାର ରୂପରେଖ ବିଷୟରେ ସମଧାରଣାର ଏକାନ୍ତ ଅଭାବ ରହିଛି । ମତ ବିରୋଧ ଅତି ପ୍ରବଳ ହୋଇଛି । ତେଣୁ ଯେତେବେଳେ କୁହାଯାଉଛି ଯେ ବର୍ତ୍ତମାନର ବିଲ୍, ଏକ ଅସ୍ଥାୟୀ ବ୍ୟବସ୍ଥା ଉଚ୍ଛେଦ ବନ୍ଦ ହେବାଦ୍ୱାରା ଜମିର ମାଲିକାନା ସତ୍ତ୍ୱ, ଚାଷୀ ହାତକୁ ହସ୍ତାନ୍ତରିତ ହୋଇ ଯାଉ ନାହିଁ, ପ୍ରକୃତ ଭୂସଂସ୍କାର ଆଇନରେ ଜମିରୁ ନ୍ୟାଯ୍ୟ ସତ୍ତ୍ୱ ଲୋପ କରାଯିବ ନାହିଁ, ସେତେବେଳେ ଏ କଥାକୁ କେହି ବିଶ୍ୱାସ କରିବାକୁ ପ୍ରସ୍ତୁତ ନୁହନ୍ତି । ଏ ବିଷୟରେ ପରସ୍ପର ବିରୋଧୀ ମତ ଏତେଦୂର ରହିଛି ଯେ ଭୂସଂସ୍କାର ରୂପରେଖ ସମ୍ପର୍କରେ ସରକାର କୌଣସି ନିର୍ଭର ପ୍ରତିଶ୍ରୁତି ଦେବା ଅବସ୍ଥାରେ ନାହାନ୍ତି । ପୁଣି ପୂର୍ଣ୍ଣାଙ୍ଗ ଭୂସଂସ୍କାର ବିଲ୍‌ଟିଏ ଆସେମ୍ବ୍ଲିକୁ ଆସିବା ଓ ଆଇନରେ ପରିଣତ ହେବା ନିକଟ ଭବିଷ୍ୟତରେ ସମ୍ଭବ ହେବ ବୋଲି ଉପରୋକ୍ତ କାରଣଯୋଗୁଁ ଭରସା ଆସୁ ନାହିଁ । ସୁତରାଂ ପୁରୁଣା ଚାଷୀରକ୍ଷା ବିଲ୍ (୧୯୪୮) ବର୍ଷକତଳେ ୭ ବର୍ଷ ଚଳେଇ ଦିଆଗଲାଭଳି ଏଇ ଆଇନକୁ ଦୀର୍ଘଦିନ ଚାଲୁ ରଖା ଯାଇପାରେ ଏବଂ ଏହାର ଆଳରେ, ଭୂସଂସ୍କାର ବିଲ୍ ଆଣିବାରେ ବିଳମ୍ବ କରାଯାଇପାରେ ବୋଲି ଆଶଙ୍କା ହେଉଛି । ବର୍ତ୍ତମାନ ଆମ ଦେଶର ଅର୍ଥନୈତିକ ପ୍ରୟୋଜନୀୟତା ଯାହା, ତହିଁରେ ଚାଷ କରୁଥିବା ଲୋକ ଛଡ଼ା ଅନ୍ୟ କେତେକ ଲୋକଙ୍କ ହାତରେ ମଧ୍ୟ ଚାଷ ଜମି ରହିବ । ଯେ ଚାଷ ନିଜେ ନ କରି ମୂଲିଆଦ୍ୱାରା ଚାଷ କରାଇବ, ତା ହାତରେ ମଧ୍ୟ ଜମି ରହିବ । ଭାଗଚାଷ ମଧ୍ୟ ରହିବ । ସେହିପରି ମଧ୍ୟବିତ୍ତ ଶ୍ରେଣୀର ମଧ୍ୟ ବର୍ତ୍ତମାନ ଅବସ୍ଥାରେ ଗୋଟିଏ ଐତିହାସିକ ଭୂମିକା ରହିଛି, ତାହା ସ୍ୱୀକାର କରିବାକୁ ହେବ ।

ପ୍ରକୃତ ଭୂସଂସ୍କାର ଏ ଦେଶରେ ସାମନ୍ତବାଦୀ ଶୋଷଣକୁ ଲୋପ କରିବ । ଭୂମିହୀନ ଚାଷୀକୁ ଜମି କିଣିବାକୁ କୁହାଯିବ ନାହିଁ । ବିନା ମୂଲ୍ୟରେ ତାକୁ ଜମି ଦିଆଯିବ, ଗାଁର ଅର୍ଥନୀତିକୁ ଏହା ବନ୍ଧନମୁକ୍ତ କରି, ଉତ୍ପାଦନ ବୃଦ୍ଧିରେ ସାହାଯ୍ୟ କରିବ । ଶିଳ୍ପ ବିକାଶ ସହଜ ହେବ, ତେଣୁ ପ୍ରକୃତ ଭୂସଂସ୍କାର ଜାତୀୟ ସଂପଦ ବୃଦ୍ଧିକରି ଦେଶର ସର୍ବାଙ୍ଗୀନ ବିକାଶର ପଥ ସୁଗମ କରିବ । ଯେଉଁମାନେ କଳକାରଖାନାରେ ବା ଅନ୍ୟତ୍ର ନିଜେ ଖଟି ସାମାନ୍ୟ କିଛି ଜମି କିଣିଛନ୍ତି, ସାନ ଚାକିରୀ ବା କାରିଗରୀ ବ୍ୟବସାୟ ଆଦିରୁ ହେଉଥିବା ସ୍ୱଳ୍ପ ଆୟକୁ ଟିକିଏ ବଢ଼େଇବାଲାଗି, ଯେଉଁମାନେ ଚାଷଜମି ଉପରେ ନିର୍ଭର କରନ୍ତି, ଶିଳ୍ପ ଓ ଚାକିରୀ କ୍ଷେତ୍ରରେ ବର୍ତ୍ତମାନ ଯେଉଁ ଛଟେଇ ଅବାରିତଭାବେ ଚାଲିଛି, ସେଥିରେ ବେକାର ହେଲାପରେ ଚାଷ ଜମି ଖଣ୍ଡିକୁ, ନିଜର ଏକ ମାତ୍ର ଆଶ୍ରୟ ସ୍ଥଳ ବୋଲି ଯେଉଁମାନେ ମଣନ୍ତି, ଭୂସଂସ୍କାର ପ୍ରବର୍ତ୍ତନବେଳେ ସେମାନେ ହାତ ଚାଷ ଯେପରି କରିପାରିବେ, ତା'ର ସୁବିଧା ସେମାନଙ୍କୁ ଦେବାକୁ ହେବ ।

ମଧ୍ୟବର୍ତ୍ତୀକାଳୀନ ବ୍ୟବସ୍ଥା ଭାବରେ, ଚାଷୀକୁ ଜମିରୁ ଉଚ୍ଛେଦ କରିବା ବନ୍ଦ ରଖିବାକୁ ହେବ । ମାତ୍ର ସିଲେକ୍ଟ କମିଟୀର ବହୁ ମତ ଯେଉଁ ବ୍ୟବସ୍ଥା ଖଞ୍ଜିଲେ, ତଦନୁଯାୟୀ ବଡ଼ ଜମିମାଲିକମାନେ ଚାଷୀମାନଙ୍କୁ ଉଚ୍ଛେଦ କରିବାର ପୂର୍ଣ୍ଣ ସୁଯୋଗ ହାସଲ କଲେ । ଅଥଚ ସାନ ସାନ ଜମିମାଲିକ ଯେଉଁମାନେ କି ଚାକିରୀ ବାକିରୀରେ

ଥିବାଯୋଗୁଁ ଅଥବା ପୁଞ୍ଜିର ଅଭାବ ହେତୁ ନିଜେ ଚାଷ କରିବାକୁ ଅକ୍ଷମ କାର୍ଯ୍ୟତଃ ସେମାନେ ହାତ ଚାଷ ଲାଗି ଜମି ନେବେ ନାହିଁ । ସାନ ଜମିମାଲିକମାନଙ୍କ ସ୍ୱାର୍ଥରକ୍ଷା ନାମରେ ଶହ ଶହ ଏକର ଜମିମାଲିକମାନେ ଚାଷୀକୁ ବେଦଖଲ କରିବାର ପନ୍ଥା ପାଇଯିବେ । ସେତିକି ନୁହେଁ ସେମାନେ ଆଗେ ବେଦଖଲ କରିବେ ସେଇ ଲଢୁଆ ଚାଷୀମାନଙ୍କୁ, ଯେଉଁମାନେ ଭାଗଚାଷୀର ସ୍ୱାର୍ଥରକ୍ଷାପାଇଁ ଚାଷର ଉତ୍ପାଦନ ବଢ଼ାଇବାପାଇଁ ଆନ୍ଦୋଳନର ନେତୃତ୍ୱ ନେଇ ଆସିଛନ୍ତି । ପୁଣି ସାନ ବା ମଧ୍ୟବିତ୍ତ ଜମିମାଲିକମାନେ ଜମି ଚାଷ କରିବାକୁ ଅଜ୍ଞ ଓ ଅସମର୍ଥ । ସେମାନେ ଋଣଗ୍ରସ୍ତ ହୋଇ ଚାଷ କରିବାର ଦୁଃସାହସିକ ଉଦ୍ୟମ କରିବେ । ପ୍ରକୃତ ଚାଷୀ ଉଚ୍ଛେଦ ହେବ, ଜମିର ଉତ୍ପାଦନ କମିବ, ଅର୍ଥନୈତିକ ବିଭ୍ରାଟସୃଷ୍ଟିହେବ, ସେମାନଙ୍କ ହାତରୁ ଜମି ଯାଇ ବଡ଼ ଜମିମାଲିକଙ୍କ ହାତରେ ଜମି ଠୁଳହେବ । ତେଣୁ ମୋ ମତରେ ସବୁ ପ୍ରକାର ଉଚ୍ଛେଦକୁ ବର୍ତ୍ତମାନ ପାଇଁ ଦୃଢ଼ଭାବରେ ବେଆଇନ କରାଯାଉ ।

ମାତ୍ର ଯେଉଁ ଜମିମାଲିକ ନିଜର କୌଣସି ପ୍ରୟୋଜନୀୟତା କାରଣରୁ ଜମି ବିକ୍ରିଦେବାକୁ ଚାହିଁବ ସେ ଯେପରି କ୍ଷତିଗ୍ରସ୍ତ ନ ହୁଏ, ତାହା ଦେଖିବାକୁ ହେବ । କାରଣ ପୂର୍ଣ୍ଣ ଉଚ୍ଛେଦ ବନ୍ଦ ବ୍ୟବସ୍ଥାରେ ଚାଷ ଜମିର ମୂଲ୍ୟ କମିବ । ତେଣୁ ଯେଉଁ ସାନ ଜମିମାଲିକ ଭୂସଂସ୍କାର ଆଇନ ଗୃହୀତ ହେବା ଭିତରେ ଜମି ବିକ୍ରୟ କରିବାକୁ ଇଚ୍ଛା କରିବ ତାହାର ଜମି ସରକାର ନିଜେ କିଣିବେ ବା ଅନ୍ୟକୁ ବିକାଇ ଦେବେ । ସେଥିପାଇଁ ସେ ଭାଗଚାଷୀଠାରୁ ନେଉଥିବା ରାଜଭାଗର ନିର୍ଦ୍ଦିଷ୍ଟ କେତେ ଗୁଣ ମୂଲ୍ୟ ପାଇବାର ହକଦାର ହେବ । ଏଭଳି ବ୍ୟବସ୍ଥା ଥିଲେ ସାନ ଜମିମାଲିକଙ୍କ ଭୟର କାରଣ ଦୂର ହୋଇଯିବ । ସେମାନଙ୍କର ସ୍ୱାର୍ଥ ଅକ୍ଷୁର୍ଣ୍ଣ ରହିବ ।

ସେଇଭଳି ଭାଗର ଅଂଶ-ସମ୍ପର୍କରେ ଯେଉଁ ବ୍ୟବସ୍ଥା ସିଲେକ୍ଟ କମିଟି କରିଛନ୍ତି, ତାହା ମଧ୍ୟ ଭୁଲ । ସାନ ବଡ଼ ସମସ୍ତଙ୍କୁ ସମାନ କରି ଦିଆଯାଇଛି । ଯେଉଁ ଜମିମାଲିକର ୫୦୦ ଏକର ଜମି ଭାଗଚାଷକୁ ଦିଆଯାଇଛି ସେ ଉତ୍ପାଦନର ଏକ-ଚତୁର୍ଥାଂଶ ପାଇବ ଏବଂ ଯାହାର ୫ ଏକର ଜମି ସେ ମଧ୍ୟ ସେଇ ହାରରେ ପାଇବ, ଏ ବ୍ୟବସ୍ଥା ଠିକ୍ ନୁହେଁ । ୧୨ ଏକର ଅଥବା ଦୁଇଟି ଇକନମିକ ଇଉନିଟରୁ ବେଶୀ ଜମିର ମାଲିକ ଯେଉଁ ପରିବାର ହୋଇଥିବେ, ସେ ତାଙ୍କ ଜମିର ପ୍ରଧାନ ଫସଲରୁ ଏକ-ଷଷ୍ଠାଂଶ ଭାଗ ପାଇବେ । ତହିଁରୁ କମ ଜମିର ମାଲିକ ପ୍ରଧାନ ଫସଲରୁ ଏକ-ତୃତୀୟାଂଶ ପାଇବେ । ବିଭିନ୍ନ କିସମର ଭାଗ ଦେବା ଯେଉଁ ଅସମାନତା ଆପାତତଃ ଦୃଷ୍ଟିରେ ଏ ପ୍ରସ୍ତାବରୁ ଦେଖାଯାଉଛି ତାହା ଭୂସଂସ୍କାର ବେଳେ ଜମିର ସର୍ବୋଚ୍ଚ ପରିମାଣ ସ୍ଥିର ହୋଇଗଲା ପରେ ଆଉ ରହିବ ନାହିଁ । ଯେଉଁମାନେ ଏକ-ଷଷ୍ଠାଂଶ ଦେବେ ସେମାନେ ଏକର ପ୍ରତି ଅତି ବେଶୀରେ ୩ ମହଣ ଧାନ ବା ତହିଁର ମୂଲ୍ୟ ଦେବେ । ସେହିପରି ଯେଉଁମାନେ ଏକ-ତୃତୀୟାଂଶ ଦେବେ ସେମାନେ ଅତି ବେଶୀରେ ଏକର ପ୍ରତି ୫ ମହଣ ଧାନ ବା ତହିଁର ମୂଲ୍ୟ ଦେବେ । ଦ୍ୱିତୀୟ ଫସଲରୁ ଜମିମାଲିକ କୌଣସି ଭାଗ ପାଇବେ ନାହିଁ । କାରଣ ଚାଷୀକୁ ଦ୍ୱିତୀୟ ଫସଲର ପୂରା ମାଲିକାନା ନ ଦେଲେ ସେଥିପାଇଁ ତାହାର ଆଗ୍ରହ ଆସିବ ନାହିଁ ।

ଗଡ଼ଜାତ ରାଜାମାନଙ୍କର ବା ସେମାନଙ୍କର ତତ୍ତ୍ୱାବଧାନରେ ଥିବା ଯାବତୀୟ ଜମି ପ୍ରତି ଏବଂ ଭୋଗର ପ୍ରଭୃତି ସ୍ୱତ୍ତ୍ୱ ପ୍ରତି ୧୯୪୮ ମସୀହାର ଭାଗଚାଷୀ ଆଇନ୍ ଲାଗୁ ହେଉ ନ ଥିଲା । ବର୍ତ୍ତମାନ ଆଇନରେ ଏହା ଏକାନ୍ତ ହେବା ଜରୁରୀ । ସିଲେକ୍ଟ କମିଟୀ ବା ମୂଳ ବିଲ୍‌ରେ ସେଭଳି କୌଣସି ବ୍ୟବସ୍ଥା ନାହିଁ, ବରଂ ସିଲେକ୍ଟ କମିଟୀ ବିପରୀତ ବ୍ୟବସ୍ଥା ଖଞ୍ଜିଛନ୍ତି । ୧୯୪୮ ମସୀହାର ଭାଗଚାଷୀ ରକ୍ଷା ଆଇନ ପ୍ରକାରେ ଅଧିକାର ପାଇବାପାଇଁ ଲଢେଇ କରି ଗଡ଼ଜାତ ରାଜାଙ୍କ ଜମିରୁ ଯେଉଁ ଚାଷୀମାନେ ବେଦଖଲ ହୋଇଛନ୍ତି ସେମାନଙ୍କୁ ଦଖଲ ଦେବା ପରିବର୍ତ୍ତେ କମିମାଲିକମାନେ ୧୯୫୭ ମସିହା ପର୍ଯ୍ୟନ୍ତ ବେଦଖଲ କରିପାରିବେ ବୋଲି ତାଙ୍କୁ କ୍ଷମତା ଦିଆହୋଇଛି । ମୋ ମତରେ ଗଡ଼ଜାତ ମିଶଣ ସମୟରେ ଯେଉଁ ଭାଗଚାଷୀ ରାଜାମାନଙ୍କ ବ୍ୟକ୍ତିଗତ ସମ୍ପତ୍ତି ବୋଲି ତାଲିକାଭୁକ୍ତ ଜମିରେ ଚାଷ କରୁଥିଲା ତାକୁ ସେଠି ପୁଣି ଦଖଲ ଦେବାର ବ୍ୟବସ୍ଥା ରହୁ ଧାରା ୨ (୧) (ସି)ରେ "ଭୂମ୍ୟଧିକାରୀ"ର ସଂଜ୍ଞା ଯେଉଁଠି ଦିଆଯାଇଛି, ସେଥିରେ; "ଭୂମ୍ୟଧିକାରୀ" ବୋଇଲେ ଗଡ଼ଜାତର ରାଜାମାନଙ୍କୁ ମଧ୍ୟ ବୁଝାଇବ ବୋଲି ସ୍ପଷ୍ଟ ଉଲ୍ଲେଖ ରହୁ । ସମ୍ବିଧାନରେ ଗଡ଼ଜାତ ରାଜା ତଥା ସେମାନଙ୍କ ସମ୍ପତ୍ତିକୁ ରକ୍ଷା କରାଯାଇଛି, ସେଥିନିମନ୍ତେ ତାଙ୍କ ସମ୍ପର୍କରେ ସ୍ପଷ୍ଟ ଉଲ୍ଲେଖ ବିନା ତାଙ୍କ ଅଧୀନରେ ଥିବା ଭାଗଚାଷୀଙ୍କୁ ରକ୍ଷା କରିବା ଦୁରୂହ ବ୍ୟାପାର ହେବ ।

ଇନାମ ଓ ସିକିମି ପ୍ରଭୃତି ସ୍ୱତ୍ତ୍ୱର ଅଧିକାରୀ ହୋଇଥିବା ଚାଷୀ କେବଳ ମୁଖ୍ୟ ଫସଲର ଏକ-ଷଷ୍ଠାଂଶ ଦେବେ ଓ ଅଧିକ ଦେବେ ନାହିଁ ବୋଲି ସ୍ପଷ୍ଟ ବ୍ୟବସ୍ଥା ମଧ୍ୟ ଏ ଆଇନରେ ଉଲ୍ଲେଖ ରହିବା ବାଞ୍ଛନୀୟ ।

୧୯୪୮ ମସିହାର ଭାଗଚାଷୀ ରକ୍ଷା ଆଇନର ଯେଉଁମାନେ ଖିଲାପ କରିବେ ସେମାନଙ୍କୁ ଦଣ୍ଡ ଦେବାର ବ୍ୟବସ୍ଥା ଉକ୍ତ ଆଇନରେ ଥିଲା । ତାହା ସତ୍ତ୍ୱେ ଆଇନ-ଭଙ୍ଗକାରୀ କମିମାଲିକମାନେ ଦଣ୍ଡିତ ହେଉ ନ ଥିଲେ, ଫଳରେ ଉକ୍ତ ଆଇନ ଅକାମୀ ହୋଇଗଲା । ସେଥିପାଇଁ ଯେଉଁ ଜମିମାଲିକମାନେ ଏ ଆଇନର ସର୍ତ୍ତମାନ ପାଳନ ନ କରିବେ ସେମାନଙ୍କ କାର୍ଯ୍ୟକୁ ପୁଲିସଧର୍ତ୍ତବ୍ୟ ଅପରାଧ ବୋଲି ଆଇନରେ ବ୍ୟବସ୍ଥା ରଖିବାକୁ ହୋଇଥିବା ଦାବୀ ଯଥାର୍ଥ ।

ଗୋବର୍ଦ୍ଧନ ପ୍ରଧାନ

## VIII

## Note of dissent by Raja Shri S. N. Bhanj Deo

This Bill as it stands will, it is apprehended, bring about a lot of confusion in the existing land system which, in consideration of the temporary nature of the legislation, should better have been avoided. The desire to bring about a more rationalised land system for the maximum benefit of the actual tiller of the soil is certainly commendable and the principle underlying the contemplated land reform is one which it is too late in the day to subject to any serious objection. In fact, the Orissa Land Reforms Committee has already

recommended reform in the land system for the betterment of the cultivator. But legislation in this respect should be very well considered before it is passed, and its implications and effects should be carefully studied. One merit of the existing system is that it is well established and well understood. Innovations, therefore, must be carefully planned so that mal-adjustments may not defeat the very aims of the legislation.

The scope and text of this Bill, it is apprehended, will lead to much friction and disturbance in the relationship of the land-owning and the cultivating class. All incentive of the land-owner to contribute to its improvement would be killed by the provisions of this Bill and for sometime to come there will be a lot of estrangement between the land-owner and the cultivator. The land-owner used to invest in improvements of Nayabadi lands for his own benefit as well as that of the cultivator. The incentive for that has now disappeared. The 'landlord' will no longer be interested in assisting the cultivator in his agricultural opearations from year to year.

Under the existing law, the 'landlord' (ryot) used to cultivate his land khas or lease it out on Bhag in consideration of the maximum benefit and convenience which he could get from such arrangement within the 33 acres limit. Under the proposed law, his tendency, it is apprehended, would be to displace Bhagchasis from the permitted limit of land-holding and take up the cultivation of such land in khas. This would be very detrimental to the interests of the State, as apart from the ouster of Bhagchasis from such land, it will lead to bad cultivation and therefore reduction of the total crop production in the State.

The most serious criticism to which this Bill is open is on the score of national revenue. There exists today in the State, a certain and stable system of rent realised from land. Under the proposed system, rent would be precarious and fluctuating from year to year dependent on each year's annual crop. Nobody would know what would be the amount of rent due until the crop is harvested and instead of the ryot being bound to pay the demand of the State, the State would be bound to accept the rent offered by the ryot who would be the sole master of the assessment. What check can the State provide on such precarious and self-serving assessment made by the tenant, and would not the expenditure of such scrutiny and check be prohibitive? On principle, the surrender by the State of the right of assessment of land revenue to the sweet will of individual tenants is subject to grave objections. In case of failure of crops due to drought, flood or any other cause or due to defective cultivation, this system may lead to payment of no rent at all.

So far as the ryot who cultivates his own land is concerned, he would not, under the proposed Act, get any relief for any loss of crop, etc., corresponding to the relief in rent respecting land cultivated by the Bhagchasi as stated in the paragraph preceding. This will lead to 'discrimination' between two classes of ryots.

The provisions regarding remission of rent do not indicate when such remission can be claimed. This would lead to a large number of claim petitions being filed before the Collector of a district after the evidence for the decision of such petitions has partly or wholly disappeared.

In the absence of proper data and proper classification of the land in consideration of the average yield, the fixing of the upper limit of rent payable is both unscientific and uneconomic and will create more problems than it would solve. Fixed on a more scientific basis, the upper limit of rent creates a tendency in the cultivator to improve the yield, which would get scanty encouragement under the proposed system. In any case, a matter requiring careful investigation like this ought not to have been disposed of in this summary fashion in a temporary legislation admittedly intended as a stop-gap between the present and future legislation. The argument that the whole matter would be reconsidered when more permanent legislation is made is not correct. Once a concession is made, it is difficult to alter the position and reduce the concession.

The maximum extent of land holding in khas is purely arbitrary. It is advisable to determine these matters after a careful economic survey as to the needs of a family unit as well as the economics of agriculture.

The provisions of the Bill are silent as to how the question regarding the identity of a Bhag-Chasi has to be determined in case of dispute. It is necessary to provide that the identity of a Bhagchasi should be a matter of record. There should also be provisions for periodical scrutiny and correction of records to protect the Bhagchasi from being ousted on the question of identity. Such records should also be continually kept up-to-date by periodic checks in order to make certain and protect the interests of all concerned including those of the State.

There is no provision in the proposed Act for bad cultivation by a Bhagchasi to be a ground for his eviction or other disqualification. It is suggested that unless this very important provision is incorporated in the proposed Act, negligent and bad cultivation can neither be checked nor controlled, and this should lead to a fall in the annual produce of the State.

Considerations of sex, cast, old age and other circumstances of infirmity etc. and the interests of religious, charitable and other trusts as well as that of minors, widows and other helpless persons should be made grounds for exemption from the rigours of the operation of the Act. There is no provision for supply of straw for thatching and cattle-fodder by the Bhagchasi in such cases and unless that is done, their hardships would be increased.

The Bhagchasi in a Government land or a temporary lessee in such land has been deprived of the protection conferred on Bhagchasis in private individuals' lands. This is neither fair nor just and is discriminatory as between one class of Bhagchasis and another.

S. N. BHANJ DEO

## STATEMENT OF OBJECTS AND REASONS

Consequent on the abolition of the *Zamindaries* under the Orissa Estates Abolition Act, 1952 and due also to a misapprehension of the proposed comprehensive reforms relating to land tenures and land management in Orissa, there is an increasing tendency towards large-scale eviction of tenants from actual cultivation of agricultural lands. It is essential that pending introduction of comprehensive land legislation, statutory protection should be afforded temporarily to all tenants in actual cultivation of land. Besides, such protection now granted to only a limited class of tenants will also expire on the 15th April 1955.

It is also expedient for the purpose of improving the economic and social well-being of the actual cultivators of land, to grant them substantial relief in regard to the amount of rent payable by them. The prospeet of getting a higher share of the produce would also be an incentive to the tenants to increase crop yields by adopting improved methods of agriculture. This relief will, however, be temporary till the introduction of comprehensive Land Reforms. The existing Orissa Tenants Protection Act, 1948, also provides for certain maxima, varying from 1/6th to 2/5th of the gross produce in different areas. It is desirable to introduce uniformity in fixing the maximum rent payable.

It is also necessary to provide for payment of the commuted cash value of the maximum produce rent payable by the tenant, at his option. This will eliminate unnecessary and prolonged litigation between landlords and tenants.

The present legislation is designed to afford the necessary temporary protection and relief to the actual cultivators of land.

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# * ORISSA ACT No. 5 OF 1955

## THE ORISSA TENANTS RELIEF ACT, 1955

*(Essented to by the president on 20th April 1955)*

AN ACT TO PROVIDE FOR TEMPORARY RELIEF TO CERTAIN CLASSES OF TENANTS IN THE STATE OF ORISSA

Whereas subsequent to the passing of the Orissa Estates abolition Act, 1951 orissa Act I of 1952 and pending further legislation relating to land reforms large-scale eviction of tenants from actual cultivation of agricultural lands is being resorted to by owners of such lands;

And whereas pending such further legislation it is expedient to afford relief to such persons by providing for their temporary protection from such eviction and for conferring on them certain other privileges in the manner hereinafter appearing:

It is hereby enacted by the Legislature of the State of Orissa in the Sixth Year of the Republic of India, as follows:—

1. *Short title, extent and commencement*:—(1) This Act may be called the Orissa Tenants Relief Act, 1955.

(2) It extends to the whole of the State of Orissa

(3) It shall be deemed to have come into force on the 1st day of July 1954.

(4) It shall cease to have effect on the 30th day of June 1956 and section 5 of the Orissa General Clauses Act, 1 of 1937, shall apply on the expiry of this Act as if it had then been repealed by an Orissa Act.

2. *Interpretation*:—(1) In this Act unless there is anything repugnant in the subject or context—

(*a*) "agricultural year" means, where the Oriya year prevails, the year commencing on the first day of Baisakh of the Oriya year, where the fasli year prevails, the year commencing on the first day of July and where any other year prevails for agricultural purposes, that year:

*Explanation*—In the event of any question as to the particular agricultural year in any area the notification by the Board of Revenue on this behalf shall be conclusive;

(*b*) "Collector" includes any officer authorised by the Collector of the district and any Grama Panchayat or Adalti Panchayat constituted under the provisions of the Orissa Gram Panchayats Act, XV of 1948, authorised by the State Government to perform all or any of the functions of a Collector under this Act;

(*c*) "dry land" means land other than wet land;

(*d*) "land" means any land that is fit for agricultural purposes;

* O. Exty. No. 85—D/21-4-55; Notifn. No. 2219—Legis—D/21-4-55.

(*e*) "landlord" means a person whose land is cultivated by a tenant on payment of rent ;

(*f*) "personal cultivation" with its grammatical variations and cognate expressions means cultivation by one's own labour or with the assistance of a member of that person's family or a servant or hired labourer on payment of wages in cash or in kind but not by way of a share in the produce of the land, under one's personal supervision or that of any member of the family :

(*g*) "prescribed" means prescribed by rules made under this Act ;

(*h*) "rent" includes whatever is lawfully payable or deliverable by a tenant to the landlord on account of use or occupation of land cultivated by the tenant ;

(*i*) "standard acre" means one acre of wet land or two acres of dry land ;

(*j*) "tenant" means a person who under the system generally known as Bhag, Sanja or Kata or such similar expression, or under any other system, law, contract, custom or usage cultivates the land of another person on payment of rent in cash or in kind or in both or on condition of delivering to that person—

(*i*) either a share of the produce of such land, or

(*ii*) the estimated value of a portion of the crop raised on the land, or

(*iii*) a fixed quantity of produce irrespective of the yield from the land, or

(*iv*) produce or its estimated value partly in any one of the ways described above and partly in another ;

*Exceptions*—The following persons shall not be deemed to be tenants within the meaning of this definition :—

(1) a member of the landlord's family ;

(2) a servant or hired labourer, cultivating the land under the personal supervision of the landlord or any member of his family on payment of wages in cash or in kind but not by way of a share in the produce of the land ; and

(3) a person holding land directly under Government with permanent and heritable rights of cultivation therein on payment of rent either wholly or partly in cash ;

(*k*) "wet land" means land for which any cess, rate or tax for purposes of irrigation has been assessed under any law for the time being in force or any contract, custom or usage having the force of law, irrespective of whether such cess, rate or tax has merged in the rent payable for the land or not.

*Explanation*—In relation to the district of Ganjam, 'wet land' shall mean land recorded as such in accordance with any law for the time being in force, or with any practice or usage having the force of law.

(2) The provisions of this Act in its application to any local area or to any tenant shall be read and construed so for as may be as forming part of the law or custom or usage having the force of law relating to landlord and tenants

in force in such area and applicable to such tenant and in case of any inconsistency or repugnancy the provisions of this Act shall prevail.

(3) Nothing in this Act shall be deemed to confer any additional right in land on any tenant and on expiry of this Act such tenant shall possess the same right which he would have possessed if this Act had not been passed.

3. *Protection from eviction and maximum rent*:—(1) Notwithstanding anything in any law, contract or usage or in any decree or order of any Court but subject to the provisions of this Act—

(*a*) no tenant in lawful cultivation of any land on the 1st day of July 1954 or at any time thereafter shall be liable to be evicted from such land by the landlord ;

(*b*) no such tenant shall be bound to pay more than one-fourth of the gross produce of the land or the value thereof or the value of one-fourth of the estimated produce as rent to the landlord :

Provided that in no event the rate of rent per year per each acre of land in cultivation of the tenant shall exceed the value of four standard maunds of paddy in case of dry lands and six such maunds of paddy in case of wet lands :

Provided further that if any of the crops specified in the Schedule to this Act has been grown on the land by the tenant during the year such rate of rent shall not exceed the value of eight standard maunds of paddy:

Provided also that the value of such quantities of paddy shall be the market value as may be declared from time to time with respect to different areas by the State Government by notification in that behalf; and

(*c*) no landlord shall be entitled to recover from such tenant any cesses, rates or other dues payable or deliverable in relation to such land under any other law or custom, practice or usage beyond the rent as specified in clause (*b*).

(2) Notwithstanding anything contained in sub-section (1), no tenant holding land on produce rent with permanent and heritable rights of cultivation therein on or after the first day of July 1954 shall, irrespective of whether such land is cultivated by the tenant himsslf or not, be liable to pay more than two-thirds of the rate of rent payable in accordance with clauses (*b*) and (*c*) of sub-section (1).

*Explanation*—For the purpose of this section 'gross produce' shall include all subsidiary crops and hay and straw.

4. *The landlord's right to a limited acreage for personal cultivation*:—(1) Notwithstanding anything in section 3 the landlord shall have the right to evict the tenant from any land selected by him for his personal cultivation to the aggregate extent of seven standard acres of land inclusive of land, if any, to the extent of the said limit, under his personal cultivation on the Ist day of July 1954 :

Provided that the landlord shall make such selection and intimate the same in the prescribed manner to the Collector on or before the 15th day of June 1955.

(2) The selection made by the landlord and intimated to the Collector in accordance with the provisions of sub-section (1) shall be final and shall be conclusive evidence of the selection so made.

(3) Where the landlord has made a selection in pursuance of sub-section (1) the right to evict the tenant, if any, on such land shall be exercised on or before the 15th day of May 1955 or after service of notice in the prescribed manner on the tenant of a period of ninety days ending with the 31st day of March 1956.

(4) Any two or more individuals jointly owning any land immediately before the date of commencement of this Act as co-sharers or otherwise whether recorded as such or not shall for the purposes of this section be deemed to be one landlord.

(5) Where the landlord is a body of share-holders as aforesaid, the apportionment of the land selected for personal cultivation shall be in accordance with the written agreement, if any, in the prescribed form submitted to the Collector on or before the 15th day of June 1955 or in the absence of any such agreement, in accordance with the decision of the Collector on the application of such share-holders either jointly or separately within such time, after the said date and in such form and manner as may be prescribed :

Provided that in making the selection and the apportionment the share-holders or the Collector as the case may be shall have due regard to the share in the total extent of such land owned by each of the share-holders.

(6) Notwithstanding anything in the foregoing sub-sections or in clause *(a)* of sub-section (1) of section 3 but subject to any other law, contract or usage, a person who has been displaced from his village in pursuance of any acquisition of his lands under the Orissa Development of Industries, Irrigation, Agriculture, Capital Construction and Resettlement of displaced persons (Land Acquisition) Act XVIII of 1948 and has purchased any land subsequent to the date of such acquisition but before the 31st day of December 1955, for the rehabilitation of himself or his family and requires such land for his personal cultivation may after service of notice before the 31st day of March 1956 in the prescribed manner evict the tenant, if any, on such land.

(7) Nothing in sub-subsection (1) or in sub-section (2) shall apply to a tenant who is already protected from eviction under any other law in force prior to the date of commencement of this Act.

*Explanation*—For the purposes of this section landlord in relation to any land shall mean a person who owned such land on the date of the commencement of this Act.

5. *Tenancy to remain unaffected by change of landlord* :—Notwithstanding anything in any other law, contract or usage the rights and benifits

and protection and privileges of a tenant in relation to any land under any of the provisions of this Act shall not be prejudicially affected in any manner merely by virtue of the fact that the right, tiitle and interest of the landlord in the land has devolved wholly or in part upon another, either by the act of parties or by the operation of law or in pursuance of any judgment, decree or order of any Court or otherwise :

Provided that in the absence of an agreement, express or implied, the rate of rent payable by the tenant shall be the same as was payable to the last preceding landlord ; but no agreement shall have effect save to the extent it is consistent with the provisions of this Act.

6. *Delivery of rent and option to pay commuted value therof*:—When rent is deliverable in kind, it shall be delivered at the landlord's granary in the village in which the land is situated or at such other granary within three miles of the village as may be provided in that behalf by the landlord :

Provided that the tenant shall always have the option of making payment in cash to the landlord or of depositing the same with the prescribed authority at such time and in such manner as may be prescribed, the value of the quantity of paddy determined in accordance with the principles specified in the provisos to clause (*b*) of sub-section (1) of section 3 or in sub-section (2) of the said section, as the case may be, and such payment shall be deemed to be in complete discharge of the tenants' liability for such rent, anything in any law, contract or usage to the contrary notwithstanding.

7. *Stay of suits and proceedings for eviction of tenants*:—(1) Al suits, proceedings in execution of decrees or orders and other proceedings for the eviction of tenants from their lands, which are pending at the date of the passing of this Act in any Court or which may thereafter be instituted in any Revenue Court shall be stayed subject to the following sub-sections :

Provided that nothing contained in this sub-section shall affect the power of the Court to grant any relief of the nature specified in section 94 of the Code of Civil Procedure, V of 1908, with a view to prevent wilful waste by the tenant.

(2) Where in a suit for eviction there is also a claim for rent, the tenant shall within two months from the date of the passing of this Act or the date of the institution of the suit, as the case may be, deposit in Court for payment to the landlord arrears of rent accrued due together with such interest as may be payable under law, custom or agreement.

(3) In the case of a decree or order for eviction, if the decree or order provides for payment of rent, the tenant shall within two months from the date of the passing of this Act deposit in Court for payment to the landlord the amount payable under the decree or order.

(4) Where a suit or other proceeding is stayed under sub-section (1), a tenant shall deposit or continue to deposit in Court for payment to the landlord

each year's rent as it accrues due within a period of two months from the date on which it becomes payable.

(5) If the deposit required by sub-section (2) or sub-section (3) or sub-section (4) is not made within the time specified therein, such tenant shall not be entitled to the benefits of clause (*a*) of sub-section (1) of section 3 in respect of the land for which the rent was not deposited and the Court shall proceed with the suit, proceedings in execution or other proceedings, as the case may be, from the stage which had been reached when the suit or proceeding was stayed.

8. *Power of Collector to order continuance of suits and proceedings* :— Notwithstanding anything contained in section 7, the Collector may, for reasons prescribed, direct that any suit or proceeding or any class or classes thereof stayed under sub-section (1) of that section shall be proceeded with from the stage which had been reached when the suit or proceeding was stayed.

9. *Powers of Collector* :—(1) Any dispute between the tenant and the landlord as regards—

(*a*) tenant's possession of the land on the first day of July 1954 or at any time thereafter and his right to the benifits under this Act ; or

(*b*) failure of the tenant to deliver to the landlord the rent accrued due within two months from the date on which it becomes payable ; or

(*c*) the quantity of the produce payable to the landlord as rent ; or

(*d*) the right of landlord to resume land for personal cultivation in pursuance of section 4 ; or

(*e*) failure of the tenant to cultivate the land or use of the same by him for any non-agricultural purpose ;

shall be decided by the Collector on the application of either of the parties :

Provided that such application shall be filed before the Collector in the prescribed manner within sixty days from the date on which the dispute arises or from the date of the passing of this Act, whichever is later.

(2) On receipt of an appllcation under sub-section (1) the Collector may, after making such enquiries as he may deem necessary, order the tenant by a notice served in the prescribed manner and specifying the grounds on which the order is made to cease to cultivate the land :

Provided that where the tenant has any permanent and heritable rights of cultivation in any land the steps to be taken for eviction of such tenant shall be in accordance with the law or the custom or usage having the force of law applicable to such tenancy.

(3) If any tenant on whom a notice under sub-section (2) has been served does not forthwith cease such cultivation, the Collector may take such steps as he may deem necessary for the purpose of carrying into effect his order.

(4) If an order is made under sub-section (2) and the landlord enters into an agreement, whether express or implied, with another person to cultivate

the land, such person shall be deemed to be a tenant for the purpose of this Act.

(5) An order made by the Collector under subsection (2) shall take effect on and from the first day of the agricultural year or, as the case may be, revenue year next following the date of such order.

(6) If after holding the enquiry under sub-section (2), the Collector is satisfied that the tenant was cultivating the land as a tenant on the 1st day of July 1954 or at any time thereafter and that such person is being prevented from cultivation of such land as a tenant by the landlord, he may in addition to the penalty that he may impose on the landlord under section 14 order the landlord by notice served in the perscribed manner to allow the tenant to enter the land forthwith and to cultivate it as a tenant.

(7) If the Collector is satisfied, after such further enquiry as he may deem necessary, that the landlord has failed to comply with his order under sub-section (6), he shall take such steps as may be necessary to put the tenant in possession of the land.

(8) If there is a dispute between the landlord and the tenant as regards division of produce, the Collector may effect such division in the prescribed manner.

(9) In case of any dispute under (d) of sub-section (1) if the Collector is satisfied, after such further enquiry, as he deems necessary that the landlord or the tenant has failed to comply with his order made under the said sub-section, he shall notwithstanding anything in sub-section (2) take such steps as may be necessary to put the tenant or the landlord, as the case may be, in possession of the land.

(10) The Collector may, if he deems necessary, appoint a Receiver to take charge of the crops or for getting the land cultivated or for such other purposes as he may deem necessary till the disposal of the application under clause *(a) (d)* or *(e)* of sub-section (1).

10. *Bar of jurisdiction of Civil Court:*—(1) Subject to the provisions of section 9, all disputes arising between a landlord and a tenant shall be cognizable by the Revenue Court and shall not be cognizable by a Civil Court.

(2) Nothing in this section shall be construed as affecting the jurisdiction of the Civil Court to deal with the suits, proceedings in execution of decrees or orders and other proceedings that were pending in such Court at the date of the passing of this Act in accordance with the law which would have been applicable if this Act had not been passed, but subject always to the provisions of sections 7 and 8.

11. *Dispute as to the identity of tenants* :—If any dispute arises as to the identity of the tenant in cultivation of any land on the 1st day of July 1954 or at any time thereafter, such question shall after such enquiry as may be prescribed, be forthwith decided by the Collector on his own motion or on the application of the landlord or any person claiming to be in such cultivation ; and

the Collector shall also have power to pass such other order or orders as he may deem necessary.

12. *Landlord's failure to cultivate after resumption* :—(1) Where a landlord after evicting a tenant from any land in pursuance of sub-section (3) of section 4 has failed to personally cultivate the same during the first three quarters of the agricultural year in which the eviction has taken place, the said tenant may, within a period of ninety days ending with the last date of the said agricultural year, apply to the Collector in the prescribed manner for the restoration of the possession of the land.

(2) On receipt of such application the Collector after giving an opportunity to the parties to be heard and after making such enquiry as he deems fit, shall, if satisfied that there has been a failure on the part of the landlord as alleged, take such steps as may be necessary to restore the possession of such land to the tenant.

(3) From and after the date of such restoration the provisions of this Act shall apply as fully and effectively as if the tenant had been in cultivation of such land as a tenant on the first day of the agricultural year next following the date of eviction on the same terms and conditions on which he was holding immediately before the said date.

(4) Notwithstanding anything in any other law or contract, where the land has been restored to the possession of the tenant under the foregoing sub-sections, the rights and benefits in pursuance of sub-section (3) shall prevail as against any other person who may have been in cultivation of the said land by the date of such restoration :

Provided that the tenant shall have the option of either taking possession of the land at the commencement of the next agricultural year or on payment of the costs of cultivation to such person, if any, as may be determined by the Collector, immediately on the date of such restoration.

(5) Where the Collector is satisfied that it was not reasonably practicable for the landlord to cultivate the land by reason of any delay due to the default on the part of the tenant in giving up possession of the land in pursuance of sub-section (3) of section 4 the Collector, instead of ordering restoration of possession of the land to such tenant, shall reject his application for such restoration under sub-section (1) :

Provided that if the landlord fails to personally cultivate the land during the first three quarters of the next agricultural year the tenant may apply for restoration of the land within a period of ninety days ending with the last date of the said agricultural year and the provisions of sub-sections (2), (3) and (4) except the proviso to the last mentioned sub-section shall *mutatis mutandis* apply :

*Explanation* :—The date of eviction referred to in sub-section (3) shall, in the application of the said sub-section in accordance with the above proviso, be construed as the date of application under the said proviso.

13. *Recoveries under this Act* :—Any money payable by virtue of an order made under this Act shall be recoverable in the same manner as if it were an arrear of land revenue.

14. *Penalty* :—(1) If, in contravention of the provisions of this Act a landlord or his agent realises from a tenant anything in excess of the rent lawfully payable or deliverable or evicts the tenant from the land or interferes in any way with the tenant's cultivation of the land, the Collector may, after making such enquiries as he deems fit, impose on such landlord or his agent or both a penalty not exceeding five hundred rupees or when double the amount or value of what is so realised exceeds five hundred rupees, not exceeding double the amount or value :

Provided that no landlord or this agent shall be liable to the penalty provided in this sub-section for any contravention that took place prior to the date of the passing of this Act.

(2) The Collector may proceed against the landlord and his agent in the same proceeding or in separate proceedings and shall award to the tenant, by way of compensation and cost, such portion of the penalty as he thinks fit.

15. *Appeals* :—Any person aggrieved by an order of the Collector made under this Act may, within thirty days from the date of such order, appeal to the prescribed superior Revenue Authority whose decision thereon shall be final subject to revision by such other superior Revenue Authority as may be appointed by the State Government in that behalf. The decision so arrived at shall not be called in question in any Court.

16. *Indemnity* :—No suit, prosecution or any other legal proceeding shall lie against any person for or in respect of anything which is in good faith done or intended to be done under this Act.

17. *Power to make rules* :—The State Government may make rules to carry out the purposes of this Act.

18. *Bar to the application of the Act to certain lands and areas* —Nothing in the foregoing provisions other than clauses *(b)* and *(c)* of sub-section (1) of section 3 of this Act shall apply to—

*(a)* lands either recorded as communal lands or pasture lands or recognised as such in accordance with any law, custom or usage ;

*(b)* any area which the State Government may from time to time by notification specify as being reserved for non-agricultural or industrial development ;

*(c)* lands recorded or demarcated as belonging to Government or any Local authority which is used or held for purposes of the Army, Navy or Air-force or for any pubiice work, such as a railway, road, canal or embankment, or is required for the repair, maintenance or construction of the same, while such land continues to be so used, held or required ;

*(d)* any land held under a temporary lease granted by the Government ;or

(c) any land held on a temporary lease under a Grama Sabha formed under the Orissa Grama Panchayats Act, XV of 1948.

19. *Repeal* :—(1) The Orissa Tenants Protection Act, III of 1948 is hereby repealed.

(2) Notwithstanding such repeal and save as expressly provided in this Act ;

(i) any benefit, right, protection, privileges, obligation or liability conferred, acquired accrued or incurred before the commencement of this Act shall be deemed to have been so conferred, acquired, accrued or incurred under this Act and the provisions thereof shalll apply accordingly, and

(ii) any legal proceeding in respect of any such benefit, right, protection or privillege, or obligation or liability or any thing done or suffered before the commencement of this Act shall be continued and disposed of as if this Act had not been passed.

(3) Any appointment, notification, order, rule or form made or issued under the Orissa Tenants Protection Act III of 1948 shall continue to be in force and deemed to have been made or issued under the provisions of this Act in so for as the same is not inconsistent with the provisions of this Act or rules made thereunder and shall continue to be in force unless and until it is superseded by any appointment, notification, notice, order, rule or form made or issued under this Act.

(4) Any reference to the Orissa Tenants Protection Act, III of 1948 shall be read and construed as reference to that Act as amended or modified by any Act, Regulation or Ordinance, enacted, made or promulgated from time to time in its application either generally or to certain local areas in the State of Orissa.

20. *Power to remove difficulty* :—If any difficulty arises in giving effect to the provisions of this Act, the State Government shall have power as occasion may arise, by order to do anything not inconsistent with the provisions of this Act or the rules made thereunder which appears to them necessary for the purpose of removing the difficulty.

SCHEDULE

[Second Proviso to Section 3 (1) (b) ]

Sugarcane, Cotton, Jute, Tobacco, Betel leaves and Potato.

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